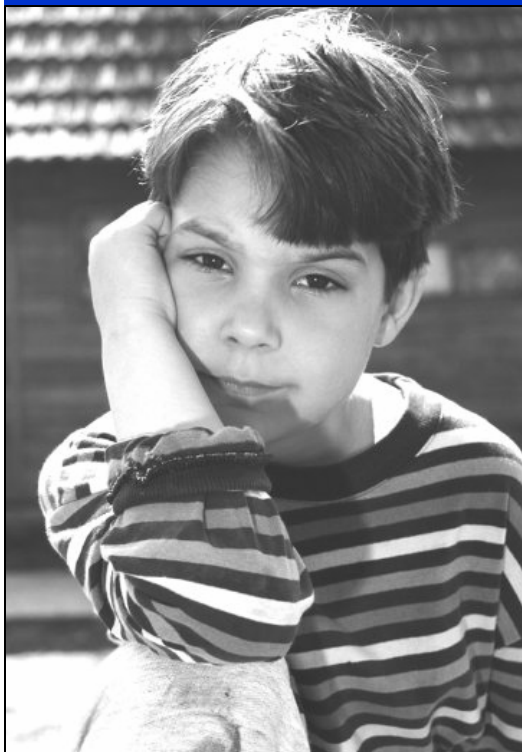


**They Need
Someone
On Their Side**

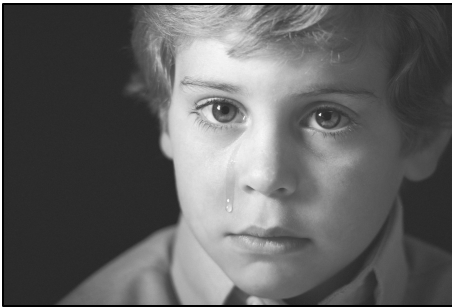


**Legal Representation
for Abused and
Neglected Children**



CHILD PROTECTION SERVICES
DEPARTMENT OF SOCIAL SERVICES

Abused and Neglected Children Need Legal Representation



South Dakota law requires that the court appoint an attorney for any child alleged to be abused and/or neglected in any judicial proceeding (SDCL 26-8A-18). Provisions are also made for the child to be provided with a court appointed special advocate under SDCL 26-8A-20.

The child has a right to have his or her interest fully represented from a legal and individual rights perspective.

Representing a Child in an Abuse and Neglect Action

Representing a child in a child abuse and neglect proceeding means the attorney should:

- ◆ Meet and get to know the child. The child is your client and deserves to be understood as an individual. Learn about the child's background, culture and needs.
- ◆ Know the laws and court's rules. There are a number of federal and state laws that impact decisions that are made for abused and neglected children.
- ◆ Understand what is involved. What are the roles of other agencies? What are the decisions the court has to make? What are the rights of the parents/guardians?
- ◆ Recognize a child's ability to express his or her views. A child who is mature enough and able to say what they want should be heard.

- ◆ Keep the legal process moving and active. A day, a month, a year in the life of a child has great significance for the child's emotional and physical development.

The separation of family and lack of stability can have severe consequences on a child's development.

- ◆ Be prepared to deal with significant conflicts. The "rights of children" and the "value of the family" are often at serious odds in child abuse and neglect cases.



Ways You Can Become More Informed

- ◆ Become more knowledgeable about the issues and dynamics of child abuse and neglect. There are a number of resources available that address these types of issues, including those listed in the resources section of this booklet.
- ◆ Communicate with all parties to the proceedings and know their roles and positions.
- ◆ Ask to receive all correspondence and reports relative to the child's case.
- ◆ Get an Order of Disclosure.
- ◆ Take advantage of the resources available to you.



Information Resources

1. SDCL: Volume 9A
2. "Handbook on Questioning Children," 2nd Edition, Anne Graffam Walker, Ph.D., ABA Center on Children and the Law 1999, 740 15th St. N.W., Washington, DC. 20005
3. "South Dakota Guidelines for Child Abuse and Neglect Cases," South Dakota Unified Judicial System, (605) 773-3474
4. "The Abuse and Neglect Handbook: A Practical Guide for the Preparation of the Appellee's Brief Regarding the Termination of Parental Rights," Department of Social Services, Office of Legal Services, 700 Governors Drive, Pierre, SD 57501, (605) 773-3305
5. National Child Welfare Resource Center on Legal and Judicial Issues, American Bar Association, Service Center, 541 N. Fairbanks Ct, Chicago, IL 60611, (312) 988-5522
6. Children's Bureau Web site: www.acf.dhhs.gov/programs/cb/
7. Reference to the Indian Child Welfare Act

Department of Social Services Child Protection Services

700 Governors Drive
Pierre, SD 57501
(605) 773-3227



Visit us on the Web at:

**[www.state.sd.us/
social/cps](http://www.state.sd.us/social/cps)**

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This brochure is funded by the Children's Justice Act Grant through the South Dakota Department of Social Services. 2,000 copies of this document were printed by the Department of Social Services at a cost of 31 cents per copy. DSS/CPS/2M/0502